

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TIMOTHY HENKE,

Petitioner,

vs.

MICHAEL MURPHY,

Respondent.

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Case number 4:06cv0225 TCM

MEMORANDUM AND ORDER

This 28 U.S.C. § 2254 petition is before the Court¹ on the motion of respondent, Michael Murphy, for a more definite statement of the grounds on which petitioner, Timothy Henke, seeks habeas relief.

Rule 2(c) of the Rules Governing Section 2254 Cases mandates that a § 2254 petition "(1) specify all the grounds for relief available to the petitioner; (2) state the facts supporting each ground . . ." (Alteration added.) "Rule 2(c) explicitly requires that a petitioner summarize the facts supporting each of the alleged grounds for relief." **Adams v. Armontrout**, 897 F.2d 332, 333 (8th Cir. 1990). A "general reference to the transcripts, case records, and briefs on appeal patently fails to comply with Rule 2(c)." **Id.** Neither § 2254 nor its Rules "require the federal courts to review the entire state court record of habeas corpus petitioners to ascertain whether facts exist which support relief." **Id.** Thus, in order to "substantially comply with the Section 2254 Rule 2(c), a petitioner must state specific, particularized facts which entitle him

¹The case is before the undersigned United States Magistrate Judge by written consent of the parties. See 28 U.S.C. § 636(c).

or her to habeas corpus relief for each ground specified. These facts must consist of sufficient detail to enable the court to determine, *from the face of the petition alone*, whether the petition merits further habeas corpus review." **Id.** (emphasis added).

In the instant case, Petitioner has clearly failed to comply with Rule 2(c). His § 2254 petition does not specify any grounds for habeas relief, nor does it summarize the facts relevant thereto. Rather, Petitioner simply attaches voluminous documents and presumably expects the Court to search for grounds therein.

Accordingly,

IT IS HEREBY ORDERED that Respondent's Motion for More Definite Statement is **GRANTED**. [Doc. 9]

IT IS FURTHER ORDERED that Petitioner is to file an amended § 2254 petition that complies with Rule 2(c) within **forty-five (45) days** of this Order.

IT IS FINALLY ORDERED that Respondent is to show cause why the relief requested in the amended petition should not be granted within **forty-five (45) days** of the filing of the amended petition.

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 11th day of July, 2006.